

Message Text

LIMITED OFFICIAL USE

PAGE 01 IAEA V 06285 151610Z

44

ACTION SCI-06

INFO OCT-01 EUR-25 EA-11 NEA-14 IO-14 ISO-00 ACDA-19 AF-10

ARA-16 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03 NASA-04

NSAE-00 NSC-07 OIC-04 SP-03 PA-04 PRS-01 RSC-01 SS-20

USIA-15 SAJ-01 DRC-01 /201 W
----- 122101

P R 151438Z JUL 74

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC PRIORITY 4739

INFO AEC GERMANTOWN PRIORITY

AMEMBASSY LONDON

AMEMBASSY NEW DELHI

AMEMBASSY OTTAWA

AMEMBASSY TOKYO

LIMITED OFFICIAL USE IAEA VIENNA 6285

E. O. 11652: N/A

TAGS: PARM TECH IAEA

SUBJECT: INTERPRETATION OF IAEA SAFEGUARDS AGREEMENTS

REF: IAEA VIENNA 6059 (NOTAL)

1. PARA 3 REFTEL MENTIONED INTERNAL IAEA LEGAL OPINION NOT YET MADE PUBLIC BUT WHICH DIR GEN PLANNED TO MAKE PUBLIC AT APPROPRIATE OPPORTUNITY, THAT EXISTING LANGUAGE OF IAEA SAFEGUARDS AGREEMENTS, CALLING FOR SAFEGUARDED MATERIAL NOT TO BE USED TO FURTHER ANY MILITARY PURPOSE, PROHIBITS USE SUCH MATERIAL FOR DEVELOPMENT OR MANUFACTURE ANY NUCLEAR EXPLOSIVE DEVICE.

2. UK RES REP JACKSON HAS REQUESTED AUTHORITY FROM HMG TO ADDRESS QUESTION IN WRITING TO DIR GEN, ALONG FOLLOWING LINES: QUOTE WE WOULD LIKE TO HAVE CONFIRMATION FROM THE IAEA THAT ALL SAFEGUARDS AGREEMENTS WITH THE IAEA PRECLUDE THE USE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 IAEA V 06285 151610Z

OF NUCLEAR MATERIAL SUBJECT TO AGENCY SAFEGUARDS FOR DEVELOPMENT

OR MANUFACTURING A NUCLEAR EXPLOSIVE DEVICE FOR ANY PURPOSE.
UNQUOTE.

3. IAEA SECRETARIAT HAS DRAFTED PROPOSED RESPONSE TO FOREGOING
QUESTION WHICH READS AS FOLLOWS:

QUOTE

A. THE ANSWER IS YES.

B. SAFEGUARDS IN ACCORDANCE WITH THE STATUTE OF THE IAEA
AND THE AGENCY'S SAFEGUARDS SYSTEM ARE APPLIED ON THE BASIS
OF SPECIFIC SAFEGUARDS AGREEMENTS.

C. WHEN THESE AGREEMENTS ARE CONCLUDED IN CONNECTION
WITH THE NPT, THEY ARE DESIGNED TO VERIFY THAT THE SAFEGUARDED
MATERIAL "IS NOT DIVERTED TO NUCLEAR WEAPONS OR OTHER NUCLEAR
EXPLOSIVE DEVICES".

D. THE OTHER TYPE OF SAFEGUARDS AGREEMENTS ARE CONCLUDED
ON THE BASIS OF A DOCUMENT CALLED "THE AGENCY'S SAFEGUARDS SYSTEM"
(INFCIRC/66/REV.2). THESE AGREEMENTS CONTAIN A BASIC UNDERTAKING
BY THE STATE THAT NUCLEAR MATERIAL OR OTHER ITEMS SUBJECT TO
SAFEGUARDS UNDER THE AGREEMENT SHALL NOT BE USED "IN SUCH A WAY
AS TO FURTHER ANY MILITARY PURPOSE". (FOOTNOTE TO FOREGOING
SENTENCE WOULD READ: QUOTE UNDER A FEW AGREEMENTS THE UNDERTAKING
IS WORDED IN SLIGHTLY DIFFERENT TERMS INVOLVING AN OBLIGATION
TO USE MATERIAL OR ITEMS FOR "PEACEFUL PURPOSES". THE CONCLUSIONS
OF THIS NOT APPLY EQUALLY TO THOSE AGREEMENTS.: UNQUOTE)
PURSUANT TO THE TERMS OF SUCH AGREEMENTS THE AGENCY HAS THE
RIGHT AND OBLIGATION TO APPLY SAFEGUARDS TO ENSURE COMPLIANCE
WITH THAT UNDERTAKING. MOREOVER, IN CONFORMITY WITH THE RELEVANT
TERMS OF THE STATUTE AS INCORPORATED IN THE SAFEGUARDS AGREEMENTS,
THE AGENCY HAS THE RESPONSIBILITY TO DETERMINE WHETHER THERE IS
COMPLIANCE WITH THAT UNDERTAKING (CF. STATUTE ARTICLE XII).

E. THE TECHNOLOGY INVOLVED IN DEVELOPING AND MANUFACTURING
ANY NUCLEAR EXPLOSIVE DEVICE IS NOT DISTINGUISHABLE FROM THAT
INVOLVED IN MAKING NUCLEAR WEAPONS. THE DEVELOPMENT OR MANUFACTURE
OF ANY NUCLEAR EXPLOSIVE DEVICE MUST THEREFORE BE VIEWED AS
FURTHERING A MILITARY PURPOSE. ACCORDINGLY, IT MUST BE CONCLUDED
THAT THE DEVELOPMENT OR MANUFACTURE OF ANY NUCLEAR EXPLOSIVE
DEVICE INVOLVING NUCLEAR MATERIAL SUBJECT TO IAEA SAFEGUARDS
WOULD BE CONTRARY TO THE BASIC UNDERTAKING IN THE SAFEGUARDS
AGREEMENT.

F. THE DECLARED INTENTION IN USING A NUCLEAR EXPLOSIVE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 IAEA V 06285 151610Z

DEVICE IS NOT RELEVANT IN THIS CONTEXT AS IT CANNOT ALTER
THE TECHNICAL FACTS. COMPLIANCE WITH THE BASIC UNDERTAKING HAS
TO BE JUDGED BY OBJECTIVE TECHNICAL CRITERIA. UNQUOTE

4. IAEA SECRETARIAT HAS PROVIDED FOREGOING TEXT PRIVATELY
TO UK, USSR AND US MISSIONS FOR COMMENT, IN EXPECTATION OF
UK RAISING QUESTION AT EARLY DATE. MISSION HAS ADVISED SECRETARIAT
THAT TEXT APPEARS FINE, PENDING FURTHER STUDY. ACCORDINGLY,

MISSION WOULD APPRICIATE SOONEST ANY COMMENTS BY DEPARTMENT,
AEC OR ACDA.

5. IF AND WHEN UK RAISES QUESTION AND IAEA DIR GEN RESPONDS,
SECRETARIAT PLANS TO CIRCULATE EXCHANGE OF LETTERS TO ALL IAEA
MEMBERS. MISSION ASSUMES THAT UK MAY MEANTIME MAKE EXCHANGE
PUBLIC. PORTER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, POLICIES, NUCLEAR SAFEGUARDS, NUCLEAR WEAPONS, ARMS CONTROL MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 15 JUL 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974IAEAV06285
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740189-0097
From: IAEA VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740749/aaaabpzu.tel
Line Count: 122
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SCI
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: IAEA VIENNA 6059 (NOTAL)
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 21 MAR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 MAR 2002 by izenbei0>; APPROVED <13 MAY 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: INTERPRETATION OF IAEA SAFEGUARDS AGREEMENTS
TAGS: PARM, TECH, IAEA
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005